

# MANDATE

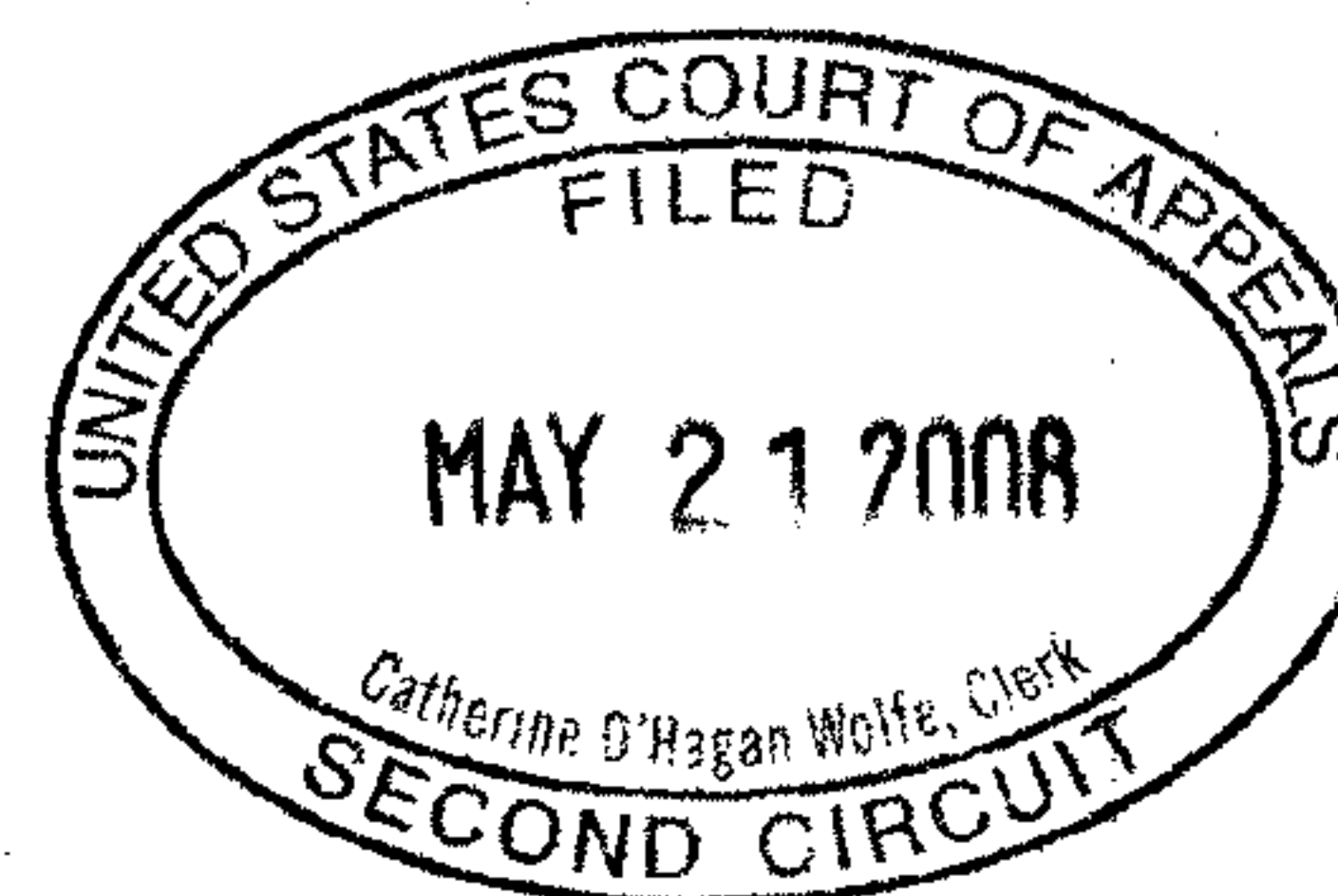
S.D.N.Y.  
108-cv-3261  
Wood, C.J.

United States Court of Appeals  
FOR THE  
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 21<sup>st</sup> day of May, two thousand eight,

Present:

Hon. José A. Cabranes,  
Hon. Richard C. Wesley,  
Hon. J. Clifford Wallace,\*  
*Circuit Judges.*



James Pettus,

*Petitioner,*

v.

08-1714-op

Superintendent Rock,

*Respondent.*

Petitioner, *pro se*, requests an order authorizing the United States District Court for the Southern District of New York to consider a second or successive 28 U.S.C. § 2254 petition. Upon due consideration, it is hereby ORDERED that the application is DENIED because Petitioner has not satisfied the criteria set forth in 28 U.S.C. § 2244(b). Petitioner has not proffered any "newly discovered evidence" sufficient to establish by clear and convincing evidence that no reasonable factfinder would have found him guilty of grand larceny, welfare fraud, and offering a false instrument for filing. See 28 U.S.C. § 2244(b)(2).

FOR THE COURT:

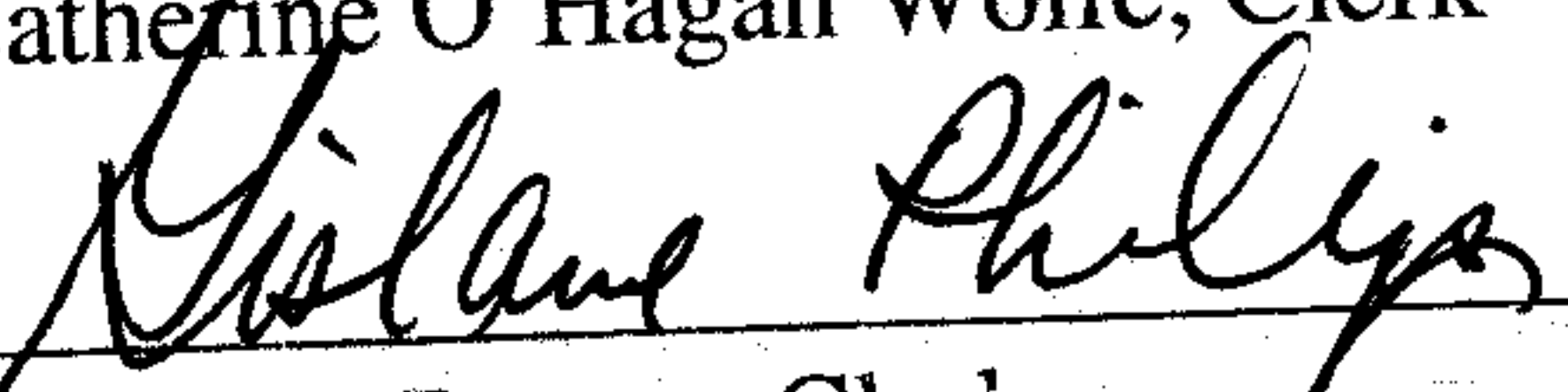
Catherine O'Hagan Wolfe, Clerk

By: 

\*The Honorable J. Clifford Wallace, of the United States Court of Appeals for the 9<sup>th</sup> Circuit, sitting by designation.

A TRUE COPY

Catherine O'Hagan Wolfe, Clerk

by 

Deputy Clerk

ISSUED AS MANDATE:

JUN 20 2008



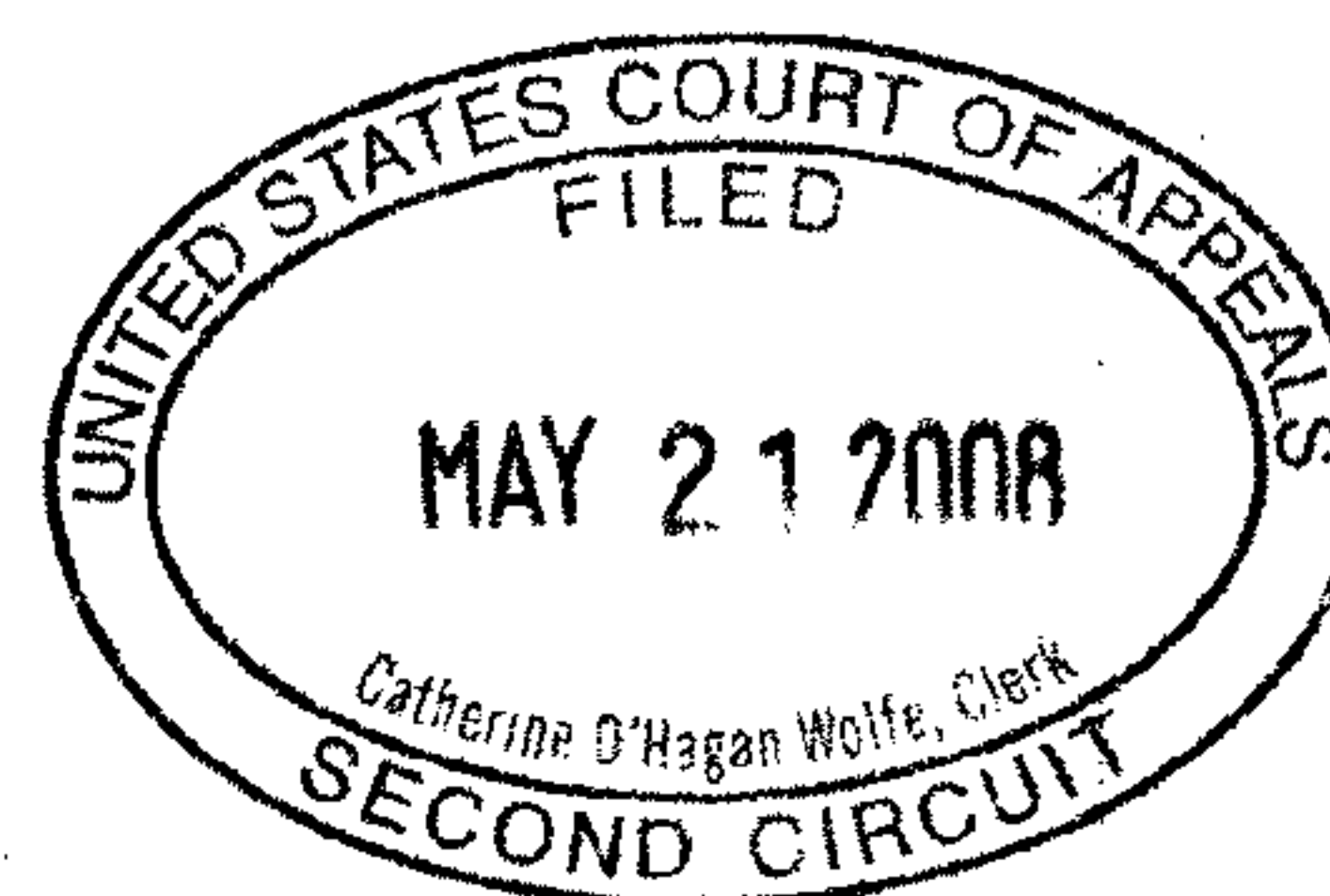
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FOR THE COURT:

Catherine O'Hagan Wolfe, Clerk

By: 

THE MANDATE CONSISTING OF  
ITEMS BELOW, HAS BEEN RECEIVED  
( ) OPINION ( ) STATEMENT OF COSTS  
( ) ORDER  
RECEIVED BY: \_\_\_\_\_ DATE \_\_\_\_\_

\*The Honorable J. Clifford Wallace, of the United States Court of Appeals for the 9<sup>th</sup> Circuit, sitting by designation.

SAO-MAB